

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA *et al. ex rel.*

13 Civ. 3779 (DLC)

FOX RX INC.,

UNDER SEAL 

Plaintiff-Relator,

v.


Dr. REDDY'S INC.; OMNICARE, INC.; and
NEIGHBORCARE, INC.

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ORDER

The United States (the "Government") having now declined to intervene pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), with respect to the claims raised in the Fourth Amended Complaint filed by the relator in the above-captioned action; and twenty-two States – California, Delaware, Florida, Georgia, Hawaii, Illinois, Louisiana, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Virginia, and Wisconsin -- and the District of Columbia and the City of New York named as co-plaintiffs in the action (collectively, the "States") having similarly declined to intervene pursuant to their respective false claims acts with respect to the claims raised in the relator's Complaint, and having submitted a separate notice concerning their declination (the "States Notice of Declination");

IT IS ORDERED THAT:

1. ^{January 6, 2014} On ~~January 20, 2014~~, the Complaint shall be unsealed; and, ~~in the event~~  that relator has not moved to dismiss this action, service upon defendant by the relator is authorized as of that date. ^{Today}.

2. Except for this Order, the U.S. Notice of Decision to Decline Intervention (the "U.S. Notice of Declination"), and the States Notice of Declination, all other contents of the Court's file in this action shall remain under seal and not be made public or served upon the defendant.

3. Upon the unsealing of the Complaint, the seal shall be lifted as to all matters occurring in this action subsequent to the date of this Order.

4. The parties shall serve all pleadings and motions filed in this matter, including supporting memoranda, upon the Government and the States. The Government and the States may order any transcripts of depositions. The Government and the States may seek to intervene with respect to the allegations in the relator's complaint, for good cause, at any time.

5. All further orders of this Court in this matter shall be sent to the Government and the States by relator.

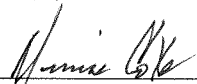
6. Should the relator or the defendant propose that the complaint or any of its allegations be dismissed, settled, or otherwise discontinued, or that any of the defendants be dismissed from the case, the moving party (or parties) must solicit the written consent of the Government and the States before applying for Court approval.

Dated: New York, New York

~~December~~ , 2013 *e*

January 6, 2014

SO ORDERED:



HONORABLE DENISE L. COTE
UNITED STATES DISTRICT JUDGE